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SONY ELECTRONICS INC.



12 **UNITED STATES DISTRICT COURT**

13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 **SAN JOSE DIVISION**

16 OLYMPIC DEVELOPMENTS AG, LLC,

Case No. C-11-01655 EJD

17 Plaintiff,

Judge: Hon. Edward J. Davila

18 v.

**JOINT STIPULATION AND
[PROPOSED] ORDER TO SEVER
PLAINTIFF'S CLAIMS AGAINST
SONY ELECTRONICS INC.**

19 APPLE, INC., BARNESANDNOBLE.COM
20 LLC, SONY ELECTRONICS INC.

21 Defendants.

24 AND RELATED COUNTERCLAIMS

Pursuant to Civil L.R. 7-12 and Federal Rules of Civil Procedure 20(a)(2) and 21, Plaintiff Olympic Developments AG, LLC (“Plaintiff”) and Defendant Sony Electronics Inc. (“SEL”) (collectively “the Parties”), by and through their respective counsel, hereby agree and stipulate, and respectfully request the Court to enter an Order severing SEL from this action so that the Parties may coordinate consolidation of Plaintiff’s and SEL’s claims with a related case involving an affiliate entity, Sony Computer Entertainment America LLC (“SCEA”). This joint stipulation sets forth the following facts upon which the Parties agree:

1. Plaintiff filed the current action against SEL and several other defendants on September 28, 2010 in the United States District Court for the Central District of California, alleging patent infringement. Plaintiff filed its First Amended Complaint on November 18, 2010.

2. On February 18, 2011, Plaintiff and SEL along with two other defendants, Apple, Inc. and barnesandnoble.com LLC, filed a Joint Stipulation and Motion to Sever and Transfer Plaintiff’s Claims to the United States District Court for the Northern District of California. *Doc. 85*. The court granted the joint motion on February 28, 2011. *Doc. 89*. Following severance and transfer, the Parties, including Apple, Inc. and barnesandnoble.com LLC, were docketed before this Court.

3. In a separate action currently pending before the Honorable Joseph C. Spero of this Court, *Olympic Developments AG, LLC v. Sony Computer Entertainment America LLC*, No. 3:11-cv-01080-JCS (the “SCEA Action”), Plaintiff asserts claims against SCEA arising out of the same patents at issue in the current action. In the SCEA Action, SCEA also asserts counterclaims against Plaintiff regarding the same patents that are at issue in SEL’s counterclaims in this action. SEL’s counsel in this action is the same as SCEA’s counsel in the SCEA Action. SEL and SCEA are affiliated corporations.

4. The Parties have engaged in several meet and confer discussions to join SEL in the SCEA Action. These discussions were described in subsequent filings in the SCEA Action, in which the Parties stated that “Plaintiff, SCEA, and SEL have agreed that the convenience of all parties and consistent and efficient judicial management would benefit from removing Plaintiff’s and SEL’s claims from the [this] Action and asserting them in [the SCEA Action].” Case No. 3:11-cv-01080-JCS, *Docs. 91, 92*.

5. Severance will neither prejudice the Parties nor augment the current schedules for either the current case or the SCEA Action. Both courts have scheduled respective Case Management Conferences for September 16, 2011.

6. In order to avoid unnecessary motion practice and further expense of the Parties and the Court's resources, the Parties, by and through their respective counsel, request an Order severing SEL from the present action.

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1 WHEREFORE, the Parties, by and through their respective counsel, hereby stipulate to and
2 request this Court to enter an Order severing SEL from this action.

3 Dated: August 19, 2011

Respectfully submitted,

4 **WHITE FIELD, INC.**

5 By: /s/ Steven W. Ritchenson

6 Steven W. Ritchenson
7 ATTORNEY FOR PLAINTIFF OLYMPIC
DEVELOPMENTS AG, LLC

8

9 Dated: August 19, 2011

Respectfully submitted,

10 **SHOOK, HARDY & BACON**

11 By: /s/ Eric A. Buresh

12 Eric A. Buresh
13 ATTORNEYS FOR DEFENDANT
SONY ELECTRONICS INC.

14 Pursuant to General Order No. 45.X.B., the below filer attests that concurrence in the filing
15 of this document has been obtained from the above Signatories.

16 Dated: August 19, 2011

/s/ Andrew L. Chang

17 Andrew L. Chang

18 The Clerk shall open a new case number for
19 *Olympic Developments AG, LLC v. Sony*
20 *Electronics. Inc.* and file a copy of the
complaint and this Stipulation and Order in
the new case.

21 Dated: August 23, 2011

Eduardo J. Davila

22 HONORABLE EDWARD J. DAVILA
23 UNITED STATES DISTRICT JUDGE